IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9770 OF 2004.

Shri Onkar Gurusiddappa Gadve. ... Petitioner.

V/s.

Dattatraya Shamrao Kore (Now
Deceased) through his legal heirs
Smt.Kusum W/o Dattatraya @
Dattajirao Khore and others. ... Respondents.

Ashok J. Chougule for the petitioner.

CORAM: V.C.DAGA, J.

DATED: 24th November 2005.

P.C.:

. Heard learned counsel for the petitioner.

. Having seen the findings recorded by the appellate Court in para-15 while dealing with issue No.2, it is clear that the appellate Court after taking into account all the facts and circumstances and evidence on record came to the conclusion that the petitioner has failed to prove his bonafide need. The findings recorded are based on evidence. No case is made out to take a contrary view. This Court not being an appellate Court cannot reappreciate the evidence on record. The impugned order can hardly be said to be a perverse order.

. In this view of the matter petition is dismissed in limine with no order as to costs.

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